

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**MIGUEL SANTANA-AVILES (2),
Defendant.**

CASE NO. 21-30-02 (ADC)

**UNITED STATES' RESPONSE IN OPPOSITION OF DEFENDANT
SANTANA-AVILES' MOTION FOR CONSOLIDATION**

The United States of America hereby files this response in opposition of defendant Miguel Santana-Aviles' motion for consolidation of cases 18-808 (DRD), 20-400 (DRD), 21-030 (ADC) and 22-082(RAM). (Dkt. No. 178).

1. The Court previously entered Orders setting the sentencing date for both defendants in case 21-30 (ADC) on June 28, 2022 (Dkt. No. 167) and on August 4, 2022 (Dkt. No. 177). The sentence for both defendants is set for this upcoming Thursday, August 4, 2022.

2. By way of background, 21-30 (ADC) relates to a vicious assault by two inmates upon a Senior Corrections Officer at MDC, Guaynabo on August 20, 2020. The case resulted in a plea for defendant Hector Maldonado-Maldonado (21-30-01(ADC)) on March 16, 2022 and a trial for Miguel Santana-Aviles 21-30-02 (ADC) on March 21-23, 2022 resulting in a guilty verdict; both before your Honor. This case is wholly unrelated to the three other cases pending against defendant Santana-Aviles.

3. Judicial economy, fundamental fairness and common sense dictate that your Honor, who handled case 21-30 (ADDC) since its inception, ruled over pretrial motions and other matters, presided over the change of plea hearing for Maldonado-Maldonado and the jury trial, does not

relinquish the authority to impose sentence on a case where your Honor is uniquely familiar with the testimony of witnesses and the presentation of evidence.

4. The late consolidation motion by defendant Santana-Aviles to group wholly unrelated cases is without merit. Defendant Santana-Aviles is pending sentence on two other cases, 18-808 (DRD) and 20-400 (DRD), which can and should be scheduled immediately for sentence following the sentence in this case. Moreover, Cr. No. 22-082-2 (RAM) relates to a large scale drug conspiracy and possession of a firearm in furtherance of a drug trafficking crime wherein Santana-Aviles, is the number 2 defendant in a 20 defendant and the case is in its inception. To consolidate 21-30-02 (ADC) with 22-082-02 RAM), or any of the other cases, would result in the unjustified delay of justice to the victim in 21-30-02(ADC).

5. Moreover, the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771 provides in pertinent part that the victim has a right to be heard in public court proceedings relating to bail, the acceptance of a plea bargain, **sentencing**, or parole. Additionally, the victim has the right to proceedings free from unwarranted delays and the right to be treated fairly and with respect to one's dignity and privacy. This case is pending sentence for next Thursday, August 4, 2022 and the sentencing hearing should proceed at that time in the interests of judicial economy, fundamental fairness, and the protection of the victim's rights.

6. The victim in 21-30 (ADC) has been in regular contact with the USAO in advance of the trial and sentencing. The victim has been responsive to our Office and the USPO regarding, among other things, the victim impact statement. Additionally, the United States anticipates that the victim will be present at the sentencing hearing. The victim, who suffered significant injuries from the assault, is entitled to finality of this case by your Honor's imposition of sentence for both defendants.

7. Based on the foregoing, the United States respectfully requests that the Miguel Santana-Aviles motion for consolidation of the aforementioned cases be denied and that the sentence in 21-30 (ADC) for August 4, 2022 proceed as previously scheduled.

WHEREFORE, it is respectfully requested to this Honorable Court to take notice of the above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 29th day of July, 2022

W. STEPHEN MULDROW
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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

s/ Luis A. Valentin
Luis A. Valentin
Assistant United States Attorney